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**ORIGINAL**

In the United States District Court for the Northern District of Texas  
Dallas Division

**Jamal Elhaj-Chehade**  
**plaintiff**

**Vs.**

**Educational Commission for Foreign Medical Graduates**  
**Et al entities and individuals) Defendants**

**3:99-CV-0680-D/BC**

**Plaintiff's motion to leave for relief from final order/judgment  
/and motion to reopen this case  
March 30, 2002**

Pursuant to Federal and other applicable rules of Civil procedures, FRCP 60, FRCP 60-b and 60-B-3, 28 USCA, id, the plaintiff is filing his motion to grant from relief in final judgment and to reopen this case as follow:

- 1- the order or judgment is abusive and subject the plaintiff to further violations and harmful consequences that may be irreparable injustice.
- 2- The supremacy of the US Constitution and the international treaties take precedences
- 3- there is an Exparte communication between the defendants and the court
- 4- there were fraud committed by the defendants and the court that prevented the plaintiff from properly addressing his case. and due process was lacking
- 5- there are new development and discovered evidences
- 6- the order was based on opinion by the Magistrate judge that requires the consent of the plaintiff. The plaintiff consent is inappropriate being done **under duress** and intimidation and false promises. Therefore, the magistrate judge order is void and all the subsequent orders are deemed null and invalid.
- 7- The order is oppressive.
- 8- The proceeding **was fabricated** as to give the defendants several advantages including delay in the proceeding for nine months, and refusal to allow the inclusion of this case under the case against UTSW see case 3:98-CV-1622-P Consolidated. The court refusal to include the ECFMG as a defendants in the case 3:98-Cv-1622-P prevented the plaintiff from fully and properly addressing his claims. And the plaintiff was not allowed to conduct his deposition of the defendants.
- 9- there are circumstances of the case present grounds justifying relief
- 10- the plaintiff present a meritorious claim in the first instance Cobos v. Adelphi University, 179 F.R.D. 381
- 11- the relief will correct clear legal error
- 12- there are extraordinary circumstances
- 13- the relief will prevent a manifest injustice. A- CalCopiers, Inc.v. North American Van Lines, Inc., 180 FRD 183
- 14- the plaintiff did file motions to vacate and raise substantial matters soon after the order in January 2001. the defendants did not reply and the court is yet to rule upon it( or at least the plaintiff was not served)

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- 15- the plaintiff attempted to protect his interests by filing an appeal therefore meeting the requirement to relief from judgment under USCA-5 rules from exempt from judgment
- 16- this case must be reopen for a new proceeding if the courts are for justice. Honorable President Bush said in his campaign against terror: "...Those who harbor, defend, side with, or advocate terror are also terrorist... you are either with us or against us.." the same analogy apply here is that every party who sides with the defendants or defends the defendants in their violation shall consider himself as if he or she is consenting to be subjected to the same type of violation.
- 17- There are abuse of discretion in every court, and the plaintiff exhausted all the appeals thereby meeting the requirements of the USCA-5 rules that justify relief from judgment.

Wherefore premises Considered, the plaintiff prays that upon consideration and proper hearings in which all the **parties be present in court before judge**. That this court upon the proper hearing and introduction of **new evidences**, this court allow for relief from final judgment in this case and be reopen this case for a new and further proceeding.

**Certificate of Service:** this should serve as a notice that this motion was filed after the conference and notice with the defendant attorney on March 31, 2002 and April 1, 2002 via email and the plaintiff never have a reply from the defendants. And that the plaintiff is hereby certify that a true copy of the foregoing has been sent to the defendant via their attorney MRS Susan Schwartz at 6688 N Central Expway # 850 Dallas, Texas 75206-3913 and via email and via USPS regular on April 2, 2002

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